

Appl. No. : 09/929,821  
Filed : August 14, 2001

### REMARKS

Claims 1-15 are pending in this application. No amendments are made herewith.

#### Interview

Applicants thank Examiner Krishnan Menon and Examiner Wanda Walker for the courteous and helpful interview conducted with Applicants' representatives, Michael Forzano, Tom Gsell, Dale Hunt, and Rose Thiessen, on May 5, 2004, as summarized above.

#### Claim Rejection - 35 U.S.C. § 112, first paragraph

Claims 1-15 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As discussed above in the Summary of Interview, this rejection will be withdrawn.

#### Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1-4 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,045,899 (Wang et al.). "The disclosure in an assertedly anticipating reference must be adequate to enable possession of the desired subject matter. It is insufficient to name or describe the desired subject matter, if it cannot be produced without undue experimentation." See, *Elan Pharmaceuticals Inc. v. Mayo Foundation*, 68 USPQ2d 1373 (Fed. Cir. 2003). Wang et al. does not enable a cellulosic membrane that is substantially free of macrovoids, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

The pending independent claim recites, *inter alia*, a cellulosic membrane "wherein the membrane is substantially free of macrovoids." Wang et al. state, in the Background of the Invention, that asymmetric membranes can be prepared from cellulose esters. However, this statement does not indicate in any way that such membranes would be substantially free of macrovoids. The Detailed Description portion of Wang et al. describes polysulfone membranes without macrovoids, but does not describe any membranes made from cellulosic polymers.

As discussed in the Declaration of I-fan Wang, which was submitted with the Amendment dated February 13, 2004, cellulosic membranes prepared according to the teachings of Wang et al. have macrovoids. Thus, the '899 patent does not constitute an enabling disclosure of the claimed invention.

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Accordingly, Wang et al. cannot anticipate Claims 1-4 or 8. Applicants therefore respectfully request that the rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 102(b) and 103(a)**

The Examiner has rejected Claims 14 and 15 under 35 U.S.C. §102(b) as being anticipated by Wang et al., or, in the alternative, being obvious over Wang et al. under 35 U.S.C. §103(a). As discussed above, Wang et al. does not enable a cellulosic membrane that is substantially free of macrovoids. Accordingly, Wang et al. neither anticipates nor renders obvious Claims 14 and 15. Applicants therefore respectfully request that the rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 102(b) and 103(a)**

Claims 1-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. 3,762,566 (Del Pico). As discussed above in the Summary of Interview, this rejection will be withdrawn.

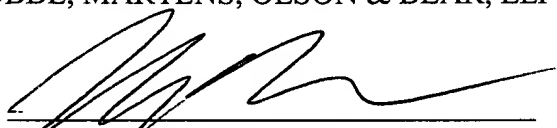
**Conclusion**

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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